

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESUS GUTIERREZ, Jr.,
Petitioner,
v.
SIRCOYA M. WILLIAMS,
Respondent.

Case No. 2:23-cv-0712-KJM-JDP (P)

CHRISTOPHER VANNING JOHNSON,
Petitioner,
v.
RAUL MORALES,
Respondent.

Case No. 2:23-cv-0920-KJM-JDP (P)

ORDER

Petitioners, former codefendants convicted in state court of second-degree murder, have both filed petitions for habeas corpus under 28 U.S.C. § 2254 in the related cases captioned above. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 29, 2025, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings

1 and recommendations were to be filed within fourteen days. Both petitioners filed objections to
2 the findings and recommendations.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
4 court has conducted a *de novo* review of this case. Having reviewed the file, the court finds the
5 findings and recommendations to be supported by the record and by proper analysis, writing
6 separately here only to address petitioners' objections.

7 First, the court notes petitioners' argument that the Magistrate Judge incorrectly
8 interpreted the California Supreme Court's summary denial on direct appeal as a rejection. *See*
9 Objections at 6, ECF No. 47 (citing F&Rs at 11, ECF No. 35); *see also* F&Rs at 16.¹ The
10 difference is not material in these circumstances. The California Court of Appeal expressly
11 rejected the arguments in question, *see* F&Rs at 10–11, 15–16, the state supreme court denied
12 review, and the state court summarily denied petitioners' claim in a state habeas petition, as the
13 Magistrate Judge correctly summarized, *see id.* at 11, 16.

14 Second, the court notes petitioners' related argument that the state supreme court's
15 decision in *People v. Centeno* demonstrates why effective defense counsel in this case would
16 have objected to the prosecution's arguments. *See* Objections at 3–6 (citing 60 Cal. 4th 659
17 (2014)). The Magistrate Judge correctly determined that it was not necessary to consider in this
18 case whether defense counsel offered ineffective assistance, because even if they did, the state
19 courts were reasonable in finding no prejudice. *See* F&Rs at 11–12. It is neither necessary nor a
20 wise use of judicial resources to analyze more thoroughly whether the state appellate court
21 correctly applied the state supreme court's decision in *Centeno*.

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27 ¹ The court refers in this order to the filings in case No. 23-712, without also citing the same
28 filings in Case No. 23-712, solely for the sake of simplicity.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations, ECF No. 35 & 31, are adopted in full;
2. Both habeas petitions in the above captioned cases are denied; and
3. The court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253.

DATED: December 31, 2025.



UNITED STATES DISTRICT JUDGE